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2, and 20 have been amended; Claims 4-10, 11-19, and 21 remain unchanged; and Claims 22 and 23 have been added. Hence, Claims 1, 2, and 4-23 are presented for examination.

The amendments to Claims 1, 2, and 20, as well as the new Claims 22 and 23, do not add new matter. The amendments and new claims are fully supported by the above-referenced patent application.

Discussion of the Claim Rejections under 35 U.S.C. §§ 102(b) and 103(a) over Barrett

Claims 1-7, 10-12, 14-18, and 20-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,311,451 to Barrett. Claims 8-9, 11-13, and 19 were rejected under 35 U.S.C. § 103(a) as also being unpatentable over Barrett. Applicant respectfully submits that the cited reference does not teach or suggest the subject matter of the pending claims as presented by this amendment.

In paragraph 4 of the Office Action, rejecting Claims 1-7, 10-12, 14-18 and 20-21, the Examiner stated that "Barrett teaches the use of a reconfigurable controller and monitor comprising: a method of mapping resources to memory (abs., and col. 2, lines 35 et seq.), a microcontroller network (fig. 1), a central computer (25), interconnection path ways (23), sensors (19) . . . and executing commands (col. 1, lines 48 et seq., and col. 3, lines 23 et seq.)." In contrast, as amended, Claim 1 recites a method of mapping environmental resources to memory comprising "providing a microcontroller network, wherein the microcontrollers provide monitoring and control functions associated with the environmental conditions internal to the computer." (emphasis added). Furthermore, Claim 1 recites the element of "storing in the memory a unique identifier for each function." Claim 2, as amended, recites the element of "connecting a plurality of sensors to the microcontroller network, the sensors monitoring one or more environmental conditions internal to the computer." (emphasis added). Moreover, Claim 2 recites the element of "assigning a unique identifier to each sensor." Finally, as amended Claim 20 recites "creating a request message which identifies one or more environmental conditions internal to the computerized environment."

Applicant respectfully submits that nowhere does Barrett teach or suggest a method of mapping environmental resources to memory that comprises the element of "storing in

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the memory a unique identifier for each function." Rather, Barrett teaches generating "a data request having an address corresponding to a particular controller." (Col. 6, Line 37). However, having a unique identifier for each function that the microcontroller network is capable of performing, allows access (e.g., by a remote monitoring program) to the functionality of the microcontroller network without the accessing agent having knowledge of which specific microcontroller performs the requested function. Thus, as opposed to Barrett's method, Applicant's method of mapping environmental resources to memory provides a more generalized and versatile means of accessing and controlling the environmental resources of the computer.

Additionally, Applicant respectfully submits that Barrett is directed to a computer system for monitoring and controlling climate conditions external to the computer; for example, such "a control system (11) monitors and controls climate conditions in a large office building." (Col. 3, Lines 15-16). More specifically, the system of Barrett monitors and controls air duct baffles (316) which are located external to a personal computer (25). In Barrett, the personal computer (25) is connected to a plurality of controllers (13) via a data concentrator (23). However, as can be seen by a visual inspection of Figure 1, the data concentrator (23) and the controllers (13) are external to the computer and are used to monitor remotely located baffles (316). Applicant respectfully submits that Barrett does not monitor the environmental conditions internal to the computer (25). Accordingly, Applicant submits that Barrett does not teach or suggest the subject matter of Claims 1, 2, or 20.

Applicant respectfully requests that the rejection of Claims 1, 2 and, 20 based on Barrett be withdrawn and that the claims be allowed. Additionally, since Claims 4-10 and 22, 11-19 and 23, and 21 are dependent on respectively one of independent Claims 1, 2, and 20, pursuant to 35 U.S.C. § 112, ¶4, they incorporate by reference all the limitations of the claims to which they refer. Therefore, Applicant respectfully submits all the dependent claims have been now placed in condition for allowance.

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Discussion of Claim Rejections under 35 U.S.C. § 103(a) over Tavallaei

On paragraph 5 of the Office Action, the Examiner rejected Claims 1, 2, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Tavallaei et. al. in view of Lakin. Prior to the filing of the present Continued Patent Application (CPA), Applicant submitted a *Declaration under 37 C.F.R. § 1.131 to Overcome Tavallaei* (hereinafter "Declaration") with the intention to show that Applicant's invention antedated Tavallaei. The Examiner objected to the Declaration on the grounds that the Declaration (a) "is signed by Walter Wallach, who is not a named inventor to the provisional application to which priority is claimed, nor inventor of the subject matter that is purported to be the basis for the declaration," and (b) "failed to submit factual information showing a completion of the invention."

With regard to the first ground of rejection, Applicant notes that Walter Wallach is in fact an inventor of the claimed subject matter. Walter Wallach is not only a named inventor in the regular application, but he is also a named inventor in U.S. Provisional Patent Applications No. 60/047,016 and No. 60/046,416, to which the original application claims priority. It is true that some of the exhibits supporting the Declaration, and now also the Substitute Declaration, show Karl Johnson as the only author of the exhibits. That fact does not reflect that Karl Johnson was the sole inventor of the subject matter depicted in the exhibits; rather, it merely shows that the inventors delegated responsibility for documenting some aspects of the invention to Karl Johnson. Therefore, Applicant respectfully submits that any objections based on the proposition that Walter Wallach is not an inventor of the claimed subject matter are now overcome.

With regard to the second ground of rejection, Applicant submits a substitute *Declaration under 37 C.F.R. § 1.131 to Overcome Tavallaei* (hereinafter "Substitute Declaration"). As required by 37 C.F.R. § 1.131(a)(1), the Substitute Declaration presents facts showing completion of the invention in this country before the filing date of the application on which the domestic patent issued. The showing of facts is such, in character and weight, as to establish reduction to practice prior to the effective date of the reference—satisfying the requirements of 37 C.F.R. § 1.131(b). In support of the sufficiency of the Substitute Declaration, Applicant respectfully notes that "[a]n

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accompanying exhibit need not support all claimed limitations, provided that any missing limitation is supported by the declaration itself." (M.P.E.P. 715.07). Additionally, "averments made in a 37 C.F.R. 1.131 affidavit or declaration do not require corroboration; an applicant may stand on his own affidavit or declaration if he so elects." Id.

The Substitute Declaration shows that at least by December 19, 1996, a product physically embodying the claim elements recited in independent Claims 1, 2, and 20 was conceived, built, and made commercially available. Hence, the Substitute Declaration is sufficient to show that "the apparatus actually existed and worked for its intended purpose" by December of 1996. (M.P.E.P. § 715.07). Since Tavallaei was filed on December 31, 1996, (i.e., after Applicant reduced to practice the claimed subject matter) Applicant respectfully submits that the Examiner's rejection of Claims 1, 2, and 20 based on Tavallaei must be withdrawn. (M.P.E.P. § 715). Consequently, Applicant submits that independent Claims 1, 2 and 20 are in condition for allowance. Furthermore, since Claims 3-10, 11-19, and 21 are respectively dependent on Claims 1, 2, and 20, pursuant to 35 U.S.C. § 112, ¶4, they incorporate by reference all the limitations of the claim to which they refer. Hence, the rejection of the dependent Claims 2-10, 11-19, and 21 is now overcome, and Applicant respectfully submits that those claims have been now placed in condition for allowance.

The Substitute Declaration has been signed by Karl S. Johnson, Walter Wallach, and Carlton G. Arndahl, who are named inventors in the original application from which this CPA depends. Ken Nguyen, the remaining named inventor in the original application, has so far failed to respond to an overnight letter mailed to his last known address on August 18, 2000. Additionally, as shown by the VERIFIED STATEMENT OF JOHN N. KANDARA, Applicant was unsuccessful in attempts to locate Mr. Nguyen using telephone directory listings for San Jose, California, i.e., Mr. Nguyen's last known place of residence. Because Applicant was unable to identify a phone number at which Mr. Nguyen could be reached, no further efforts have been made to reach Mr. Nguyen by telephone.

Mr. Kandara's statement was submitted in support of a patent application related to this case (Application No. 08/942,448) for which Mr. Nguyen is also a named inventor. Since the facts concerning Applicant's attempt at locating Mr. Nguyen are the same in

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either case, Applicant respectfully submits that Mr. Kandara's statement also supports the present application. Consequently, Applicant has shown that reasonable steps have been taken to locate Mr. Nguyen in order to obtain his signature for the Substitute Declaration; nonetheless, Applicant has been unsuccessful in his efforts. Applicant respectfully submits, however, that "where it is shown that a joint inventor . . . refuses to sign, or is otherwise unavailable, the signatures of the remaining joint inventors are sufficient." M.P.E.P. § 715.04. Thus, Applicant respectfully submits that the Substitute Declaration is sufficient, both in substance and form, such that the Examiner should withdraw his objections to the claims based on Tavallaei.

CONCLUSION

For the reason set forth above, Applicant respectfully submits that Claims 1-21 of the above-identified application are in condition for allowance. However, if the Examiner finds any further impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Respectfully submitted,

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Dated: 8/24/06

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